

SENATE BILL 3493

By Tate

AN ACT to amend Tennessee Code Annotated, Section 24-7-112; Title 36, Chapter 2 and Title 36, Chapter 5, relative to recovery of child support.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-2-309, is amended by adding the following new subsections:

(c) A person who is proven to not be the biological father of a minor child by genetic testing pursuant to § 24-7-112 and is relieved by a court of competent jurisdiction of the duty to provide future support for such child shall have a civil cause of action against a biological father who has a legally imposed duty of support for the same child for recovery of the sums actually paid by that person under a child support order for such child. Recovery shall not exceed amounts actually paid by the person for child support for the child or children, together with prejudgment interest and costs of the action, including, but not limited to, court costs and any discretionary costs that may be allowed by the court. Such payments shall be proven by a preponderance of the evidence. No person proven not to be the biological father of a child and relieved of the duty of support shall be released from any child support arrearages predating the filing of a petition to disestablish paternity.

(d) No parent or custodian of a minor child shall be entitled to recover child support from both a biological father and legal father of the child for the same time period. In the event that child support judgments for the same child and the same time period are issued, the biological father shall be permitted an offset for any amounts that have been paid by a legal father for child support pursuant to a child support order.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.